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Paul Dicarlo

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FISH & RICHARDSON PC

P.O. BOX 1022

MINNEAPOLIS, MN 55440-1022

EXAMINER

TOWA, RENE T

ART UNIT

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***Response to Arguments***

Applicant's arguments filed August 17, 2009 have been fully considered but they are not persuasive. Applicant contends that neither one of Clement et al., Kornberg and Sher teaches "a first part inside the housing, the first part being moveable between a third extended position and a third retracted position; and a second part attached to the proximal end of the stylet, the second part being rotatably engaged with the first part and being able to rotate relative to an axis of the stylet." This argument has been considered but has not been deemed persuasive.

In regards to the Applicant's argument that neither one of Clement et al., Kornberg and Sher teaches "a first part inside the housing, the first part being moveable between a third extended position and a third retracted position; and a second part attached to the proximal end of the stylet, the second part being rotatably engaged with the first part and being able to rotate relative to an axis of the stylet," the Examiner respectfully traverses. First, the Examiner denies Applicant's allegations that the last Office action sought to assert that the projection 94 and track 158 described by Kornberg "are equivalent to the second part of the stylet block as recited in the Applicant's claims" (see pages 3-4 of the Applicant's instant remarks). As such, the Applicant's clear misinterpretation of the entirety of the Office action has led the Applicant to raise several questions, which confound the issues. For example, the Kornberg reference was cited for two main features of the Applicant's claimed invention such as a projection 94, which is part of the second part and a track, which has nothing to do with the second part but serves to explain the language of the claim pertaining to "

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the second part being rotatably engaged with the first part and being able to rotate relative to an axis of the stylet." For instance, Applicant's second part cannot rotate relative to an axis of the stylet were it not for the presence of track 38 (see Applicant's figs. 3A-B & B4). As such, the Examiner's illustration at page 9 of the last Office action pertains to that aspect of the claims, rather than to assert that the track 158 of Kornberg is part of the second part. The latter assumption led the Applicant is completely erroneous interpretation of the last Office action. To further clarify, the Examiner notes that the claim limitations "first part" is defined in the claim as being "inside the housing" and being "moveable between a third extended position and a third retracted position." As explained in the last Office action at pages 2-3, the stylet block (i.e. collar 36) of **Clement et al.** include a first part (i.e. the part of the stylet block that carries the stylet 18), which part is fully located within a cavity 11 of the housing 16 (see col. 3, lines 22-27); wherein the stylet block 36 with the first part are moveable between an extended position and a retracted position (see figs. 3a & 4a; col. 3, lines 63-67). Similarly, **Kornberg** teaches a cannula block comprising a second part (i.e. the projection 94 and larger diameter 55), the second part 94 is attached to a proximal end of the cannula 54 via larger diameter section 55 (see figs. 14-17). As such, the second part 94 is able to rotate relative to an axis of the cannula via track 158. As such, a combination of Clement et al. and Kornberg, as described in the Office action, entails adding part of the rotary motion mechanism of Kornberg et al. into the biopsy needle instrument of Clement et al. Such rotary motion mechanism may involve the use of a larger diameter section 55 of Kornberg et al. to carry the stylet 18 onto the retainer block 36 of Clement

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et al., which still need to be able to move forward and backward, along with a projection 94 and enlarged section 55 of Kornberg that is able to rotate relative to an axis of the stylet 18 of Clement et al.. As such, contrary to the Applicant's contention, the Examiner's proposed combination teaches each and every element of the claims.

In view of the foregoing, the Applicant's request for reconsideration has been considered but fails to place the case in condition for allowance.